



North Carolina Department of Environment and Natural Resources

Division of Air Quality

Beverly Eaves Perdue
Governor

Sheila C. Holman
Director

Dee Freeman
Secretary

April 25, 2011

Mr. Jerry Johnson
Vice President, Landfill Division
Black Creek Renewable Energy LLC
3301 Benson Drive, Suite 601
Raleigh, North Carolina 27609

Dear Mr. Johnson:

SUBJECT: Air Quality Permit No. 10148T00
Facility ID: 8200149
Black Creek Renewable Energy LLC
Roseboro, North Carolina
Sampson County
Fee Class: Title V

In accordance with your completed Air Quality Permit Application for a First Time Title V permit received December 17, 2010, we are forwarding herewith Air Quality Permit No. 10148T00 to Black Creek Renewable Energy LLC located at 7434 Roseboro Highway, Roseboro, North Carolina authorizing the construction and operation, of the emission source(s) and associated air pollution control device(s) specified herein. Additionally, any emissions activities determined from your Air Quality Permit Application as being insignificant per 15A North Carolina Administrative Code 2Q .0503(8) have been listed for informational purposes as an "ATTACHMENT." Please note the requirements for the annual compliance certification are contained in General Condition P in Section 3. The current owner is responsible for submitting a compliance certification for the entire year regardless of who owned the facility during the year.

As the designated responsible official it is your responsibility to review, understand, and abide by all of the terms and conditions of the attached permit. It is also your responsibility to ensure that any person who operates any emission source and associated air pollution control device subject to any term or condition of the attached permit reviews, understands, and abides by the condition(s) of the attached permit that are applicable to that particular emission source.

If any parts, requirements, or limitations contained in this Air Quality Permit are unacceptable to you, you have the right to request a formal adjudicatory hearing within 30 days following receipt of this permit, identifying the specific issues to be contested. This hearing request must be in the form of a written petition, conforming to NCGS (North Carolina General Statutes) 150B-23, and filed with both the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, North Carolina 27699-6714 and the Division of Air Quality, Permitting Section, 1641 Mail Service Center, Raleigh, North Carolina 27699-1641.

Permitting Section

1641 Mail Service Center, Raleigh, North Carolina 27699-1641
2728 Capital Blvd., Raleigh, North Carolina 27604
Phone: 919-715-6235 / FAX 919-733-5317 / Internet: www.ncair.org

One
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Mr. Johnson
April 25, 2011
Page 2

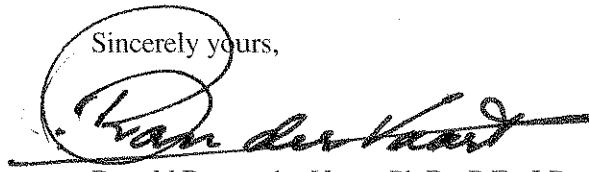
The form for requesting a formal adjudicatory hearing may be obtained upon request from the Office of Administrative Hearings. Please note that this permit will be stayed in its entirety upon receipt of the request for a hearing. Unless a request for a hearing is made pursuant to NCGS 150B-23, this Air Quality Permit shall be final and binding 30 days after issuance.

You may request modification of your Air Quality Permit through informal means pursuant to NCGS 150B-22. This request must be submitted in writing to the Director and must identify the specific provisions or issues for which the modification is sought. Please note that this Air Quality Permit will become final and binding regardless of a request for informal modification unless a request for a hearing is also made under NCGS 150B-23.

The construction of new air pollution emission source(s) and associated air pollution control device(s), or modifications to the emission source(s) and air pollution control device(s) described in this permit must be covered under an Air Quality Permit issued by the Division of Air Quality prior to construction unless the Permittee has fulfilled the requirements of GS 143-215-108A(b) and received written approval from the Director of the Division of Air Quality to commence construction. Failure to receive an Air Quality Permit or written approval prior to commencing construction is a violation of GS 143-215.108A and may subject the Permittee to civil or criminal penalties as described in GS 143-215.114A and 143-215.114B.

This Air Quality Permit shall be effective from April 25, 2011 until March 31, 2016, is nontransferable to future owners and operators, and shall be subject to the conditions and limitations as specified therein.

Should you have any questions concerning this matter, please contact Mr. Booker T. Pullen at (919) 715-6248.

Sincerely yours,

Donald R. van der Vaart, Ph.D., P.E., J.D.
Chief

Enclosure A

c: Gregg Worley, EPA Region 4
Fayetteville Regional Office
Central Files

ATTACHMENT A

Insignificant Activities under 15A NCAC 2Q .0503(8)

Emission Source ID No.	Emission Source Description
None	None

1. Because an activity is insignificant does not mean that the activity is exempted from an applicable requirement or that the owner or operator of the source is exempted from demonstrating compliance with any applicable requirement.
2. When applicable, emissions from stationary source activities identified above shall be included in determining compliance with the permit requirements for toxic air pollutants under 15A NCAC 2D .1100 "Control of Toxic Air Pollutants" or 2Q .0711 "Emission Rates Requiring a Permit".
3. For additional information regarding the applicability of GACT see the DAQ page titled "The Regulatory Guide for Insignificant Activities/Permits Exempt Activities". The link to this site is as follows: <http://daq.state.nc.us/permits/insig/>

State of North Carolina,
Department of Environment,
and Natural Resources

Division of Air Quality



AIR QUALITY PERMIT

Permit No.	Replaces Permit No.	Issue Date	Effective Date	Expiration Date
10148T00	N/A	April 25, 2011	April 25, 2011	March 31, 2016

Until such time as this permit expires or is modified or revoked, the below named Permittee is permitted to construct and operate the emission source(s) and associated air pollution control device(s) specified herein, in accordance with the terms, conditions, and limitations within this permit. This permit is issued under the provisions of Article 21B of Chapter 143, General Statutes of North Carolina as amended, and Title 15A North Carolina Administrative Codes (15A NCAC), Subchapters 2D and 2Q, and other applicable Laws.

Pursuant to Title 15A NCAC, Subchapter 2Q, the Permittee shall not construct, operate, or modify any emission source(s) or air pollution control device(s) without having first submitted a complete Air Quality Permit Application to the permitting authority and received an Air Quality Permit, except as provided in this permit.

Permittee: Black Creek Renewable Energy, LLC
Facility ID: 8200149

Facility Site Location: 7434 Roseboro Highway
City, County, State, Zip: Roseboro, North Carolina 28382

Mailing Address: 7434 Roseboro Highway
City, State, Zip: Roseboro, North Carolina 28382

Application Number: 8200149.11A
Complete Application Date: December 17, 2011

Primary SIC Code: 4953
Division of Air Quality, Fayetteville Regional Office
Regional Office Address: 225 Green Street, Suite 714
Fayetteville, North Carolina 28301

Permit issued this the 25th day of April, 2011

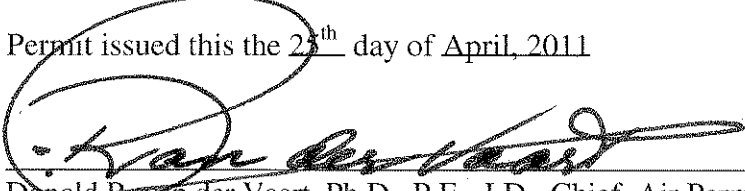

Donald R. van der Vaart, Ph.D., P.E., J.D., Chief, Air Permits Section
By Authority of the Environmental Management Commission

Table Of Contents

SECTION 1: PERMITTED EMISSION SOURCE (S) AND ASSOCIATED
AIR POLLUTION CONTROL DEVICE (S) AND APPURTENANCES

SECTION 2: SPECIFIC LIMITATIONS AND CONDITIONS

2.1- Emission Source(s) Specific Limitations and Conditions
(Including specific requirements, testing, monitoring, recordkeeping, and
reporting requirements)

SECTION 3: GENERAL PERMIT CONDITIONS

ATTACHMENT

List of Acronyms

SECTION 1- PERMITTED EMISSION SOURCES AND ASSOCIATED AIR POLLUTION CONTROL DEVICES AND APPURTENANCES

The following table contains a summary of all permitted emission sources and associated air pollution control devices and appurtenances:

Emission Source ID No.	Emission Source Description	Control Device ID	Control Device Description
ES-Gen-1 MACT, NSPS, PSD	Landfill gas-fired spark ignition genset unit (1600 kW, 2233 HP, lean burn)	None	None
ES-Gen-2 MACT, NSPS, PSD	Landfill gas-fired spark ignition genset unit (1600 kW, 2233 HP, lean burn)	None	None
ES-Gen-3 MACT, NSPS, PSD	Landfill gas-fired spark ignition genset unit (1600 kW, 2233 HP, lean burn)	None	None
ES-Gen-4 MACT, NSPS, PSD	Landfill gas-fired spark ignition genset unit (1600 kW, 2233 HP, lean burn)	None	None
ES-Gen-5 MACT, NSPS, PSD	Landfill gas-fired spark ignition genset unit (1600 kW, 2233 HP, lean burn)	None	None
ES-Gen-6 MACT, NSPS, PSD	Landfill gas-fired spark ignition genset unit (1600 kW, 2233 HP, lean burn)	None	None
ES-Gen-7 MACT, NSPS, PSD	Landfill gas-fired spark ignition genset unit (1600 kW, 2233 HP, lean burn)	None	None
ES-Gen-8 MACT, NSPS, PSD	Landfill gas-fired spark ignition genset unit (1600 kW, 2233 HP, lean burn)	None	None
ES-CD3	One low flow utility flare (21 million Btu heat input capacity, 700 cfm)	None	None

SECTION 2 - SPECIFIC LIMITATIONS AND CONDITIONS

2.1 - Emission Source(s) and Control Devices(s) Specific Limitations and Conditions

The emission sources and associated air pollution control device(s) and appurtenances listed below are subject to the following specific terms, conditions, and limitations, including the testing, monitoring, recordkeeping, and reporting requirements as specified herein:

- A. Eight landfill gas-fired spark ignition genset units (lean burn, 1600 kW, 2233 Hp output each, ID Nos. ES-Gen-1 through Gen-8) and one low gas flow utility flare (21 million Btu per hour heat input, 700 acfm, ES-CD3)

The following table provides a summary of limits and standards for the emissions sources as described above:

Regulated Pollutant	Limits/Standards	Applicable Regulation
Sulfur dioxide	2.3 pounds per million Btu heat input (engines and flare)	15A NCAC 2D .0516
Visible emissions	20 percent opacity (engines and flare)	15A NCAC 2D .0521
CO, NOx, VOCs	Exhaust Emission Standards for engines manufactured after 7/1/2007 (engines only) CO: 5.0 g/Hp-hr or 610 ppmvd at 15% O ₂ NOx: 3.0 g/Hp-hr or 220 ppmvd at 15% O ₂ VOCs: 1.0 g/Hp-hr or 80 ppmvd at 15% O ₂ Exhaust Emission Standards for engines manufactured after 7/1/2010 (engines only) CO: 5.0 g/Hp-hr or 610 ppmvd at 15% O ₂ NOx: 2.0 g/Hp-hr or 150 ppmvd at 15% O ₂ VOCs: 1.0 g/Hp-hr or 80 ppmvd at 15% O ₂	15A NCAC 2D .0524 40 CFR Part 60, Subpart JJJJ

-Table continued on the next page-

The following table provides a summary of limits and standards for the emissions sources as described above: continued

Regulated Pollutant	Limits/Standards	Applicable Regulation
CO	BACT Limit: 13.54 lbs/hour (2.75 g/Hp-hour) each genset	15A NCAC 2D .0530 PSD (BACT)
NOx	BACT Limit: 2.46 lbs/hour (0.50 g/Hp-hour) each genset	
PM10	BACT Limit: 0.74 lbs/hour (0.15 g/Hp-hour) each genset	
PM2.5	BACT Limit: 0.74 lbs/hour (0.15 g/Hp-hour) each genset	
Odorous emissions	Apply suitable odor control measures State-enforceable only	15A NCAC 2D .1806
Hazardous Air Pollutants	Meet the requirements of NSPS Subpart JJJJ	15A NCAC 2D .1111 40 CFR Part 63, Subpart ZZZZ
Air toxics	Facility-wide toxics evaluation See Multiple Emissions Section 2.2	15A NCAC 2Q .0705 15A NCAC 2Q .0711

1. 15A NCAC 2D .0516: Sulfur Dioxide Emissions From Combustion Sources

- a. Emissions of sulfur dioxide from the genset units (ID Nos. ES-Gen-1 through Gen-8) and the flare (ES-CD3) shall not exceed 2.3 pounds per million Btu heat input. Sulfur dioxide formed by the combustion of sulfur in fuels, wastes, ores, and other substances shall be included when determining compliance with this standard. [15A NCAC 2D .0516]

Testing [15A NCAC 2D .0501(c)(4)]

- b. If emission testing is required, the testing shall be performed in accordance with 15A NCAC 2D .0501(c)(4) and General Condition JJ found in Section 3. If the results of this test are above the limit given in Section 2.1 A. 1. a. above, the Permittee shall be deemed in noncompliance with 15A NCAC 2D .0516.

Monitoring/Recordkeeping/Reporting [15A NCAC 2Q .0508(f)]

- c. No monitoring, recordkeeping, or reporting is required for sulfur dioxide emissions from firing landfill gas in the genset units and/or the flare.

2. 15A NCAC 2D .0521: CONTROL OF VISIBLE EMISSIONS

- a. Visible emissions from each genset unit (ID Nos. ES-Gen-1 through Gen-8) or the flare (ES-CD3) shall not be more than 20 percent opacity each when averaged over a six-minute period. However, six-minute averaging periods may exceed 20 percent not more than once in any hour and not more than four times in any 24-hour period. In no event shall the six-minute average exceed 87 percent opacity. [15A NCAC 2D .0521 (d)]

Testing [15A NCAC 2D .0501(c)(8)]

- b. If emission testing is required, the testing shall be performed in accordance with 15A NCAC 2D .0501(c)(8) and General Condition JJ found in Section 3. If the results of this test are above the limit provided in Section 2.1 A. 2. a. above, the Permittee shall be deemed in noncompliance with 15A NCAC 2D .0521.

Monitoring/Recordkeeping/Reporting

- c. No monitoring, recordkeeping, or reporting is required for visible emissions from the firing of landfill gas in the genset units and/or the flare.

3. 15A NCAC 2D .0524: New Source Performance Standards For Stationary Non-Emergency Spark Ignition Engines [40 CFR Part 60, Subpart JJJJ], "NOx, CO and VOCs"

- ES-Gen-1 (Landfill gas-fired genset unit, lean burn, 1600 kW, 2233 Hp output)
- ES-Gen-2 (Landfill gas-fired genset unit, lean burn, 1600 kW, 2233 Hp output)
- ES-Gen-3 (Landfill gas-fired genset unit, lean burn, 1600 kW, 2233 Hp output)
- ES-Gen-4 (Landfill gas-fired genset unit, lean burn, 1600 kW, 2233 Hp output)
- ES-Gen-5 (Landfill gas-fired genset unit, lean burn, 1600 kW, 2233 Hp output)
- ES-Gen-6 (Landfill gas-fired genset unit, lean burn, 1600 kW, 2233 Hp output)
- ES-Gen-7 (Landfill gas-fired genset unit, lean burn, 1600 kW, 2233 Hp output)
- ES-Gen-8 (Landfill gas-fired genset unit, lean burn, 1600 kW, 2233 Hp output)

- a. The Permittee shall comply with all applicable provisions, including the requirements for emission standards, notification, testing, reporting, record keeping, and monitoring, contained in Environmental Management Commission Standard 15A NCAC 2D .0524 "New Source Performance Standards (NSPS)" as promulgated in 40 CFR Part 60 Subpart JJJJ, including Subpart A "General Provisions." [15A NCAC 2D .0524]

Emission Standards [40 CFR §60.4233(e)]

- b. The Permittee shall comply with the following emission standards for spark ignition (SI) engines for model year manufactured after July 1, 2007. Owners and operators of stationary spark ignition internal combustion engines shall achieve the required emission standards over the entire life of each engine.

Exhaust emission standards (engine manufactured after July 1, 2007):

CO: 5.0 g/Hp-hr or 610 ppmvd at 15% O₂
 NOx: 3.0 g/Hp-hr or 220 ppmvd at 15% O₂
 VOCs: 1.0 g/Hp-hr or 80 ppmvd at 15% O₂

Exhaust emission standards (engine manufactured after July 1, 2010):

CO: 5.0 g/Hp-hr or 610 ppmvd at 15% O₂
 NOx: 2.0 g/Hp-hr or 150 ppmvd at 15% O₂
 VOCs: 1.0 g/Hp-hr or 80 ppmvd at 15% O₂

Testing [15A NCAC 2Q .0508(f), 40 CFR §60.8]

- c. If emissions testing is required, the testing shall be performed in accordance with General Condition JJ of this permit. If the results of this test are above the limit given in Section 2.1 A. 3. b. above, the Permittee shall be deemed in noncompliance with 15A NCAC 2D .0524.
- d. **Monitoring** [15A NCAC 2D .0524, 40 CFR Part 60, §60.4233(e)]
 - i. Owners or operators of landfill gas-fired stationary spark ignition internal combustion engines that are manufactured after July 1, 2008, that must comply with the emission standards specified in 40 CFR §60.4233(e), shall comply with these standards by purchasing an engine certified to the emission standards in 40 CFR §60.4231(a) through (c), as applicable, for the same engine class and maximum engine power. Engines shall also meet the requirements as specified in 40 CFR Part 1068, Subparts A through D, as they apply.
 - (A) If owners or operators adjust engine settings according to and consistent with the manufacturer's instructions, the stationary SI internal combustion engine will not be considered out of compliance. In addition, the engines shall meet the following requirement.
 - (B) If owners or operators operate and maintain the certified landfill gas-fired stationary spark ignition internal combustion engine and control device (if required) according to the manufacturer's emission-related written instructions, they shall keep records of conducted maintenance to demonstrate compliance, but no performance testing is required if they are an owner or operator.
 - ii. **Recordkeeping/Reporting** [15A NCAC 2Q .0508(f)]

Owners and operators of all stationary spark ignition internal combustion engines shall keep records of:

 - (A) All notifications submitted to comply with this subpart and all documentation supporting any notification.
 - (B) Maintenance conducted on the engine.
 - (C) If the stationary SI internal combustion engine is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards and information as required in 40 CFR Parts 90, 1048, 1054, and 1060, as applicable.

State Enforceable Only

4. 15A NCAC 2D .1806: Control and Prohibition of Odorous Emissions

The Permittee shall not operate the facility without implementing management practices or installing and operating odor control equipment sufficient to prevent odorous emissions from the facility from causing or contributing to objectionable odors beyond the facility's boundary.

5. 15A NCAC 2D .1111, 40 CFR Part 63, Subpart ZZZZ “National Emission Standards For Hazardous Air Pollutants For “New” Stationary Reciprocating Internal Combustion Engines (RICE) Located At An Area Source of Hazardous Air Pollutants (HAPs)

- ES-Gen-1 (Landfill gas-fired spark ignition genset unit, lean burn, 1600 kW, 2233 Hp output)
- ES-Gen-2 (Landfill gas-fired spark ignition genset unit, lean burn, 1600 kW, 2233 Hp output)
- ES-Gen-3 (Landfill gas-fired spark ignition genset unit, lean burn, 1600 kW, 2233 Hp output)
- ES-Gen-4 (Landfill gas-fired spark ignition genset unit, lean burn, 1600 kW, 2233 Hp output)
- ES-Gen-5 (Landfill gas-fired spark ignition genset unit, lean burn, 1600 kW, 2233 Hp output)
- ES-Gen-6 (Landfill gas-fired spark ignition genset unit, lean burn, 1600 kW, 2233 Hp output)
- ES-Gen-7 (Landfill gas-fired spark ignition genset unit, lean burn, 1600 kW, 2233 Hp output)
- ES-Gen-8 (Landfill gas-fired spark ignition genset unit, lean burn, 1600 kW, 2233 Hp output)

Emission Limitations/Testing/Monitoring/Reporting/Recordkeeping

- a. Owners and operators of a new stationary RICE located at area sources of HAP emissions shall meet the requirements of the final spark ignition (SI) NSPS (40 CFR part 60, Subpart JJJJ), as appropriate.
 - i. Compliance with 40 CFR Part 60, Subpart JJJJ meets the compliance requirements of 40 CFR Part 63, Subpart ZZZZ, for a new SI RICE located at an area source of HAP emissions. [40 CFR §63.6590(c)]
- b. Area sources of HAP emissions that become major sources.

If an area source increases its emissions or its potential to emit such that it becomes a major source of HAP as defined in 40 CFR §63.2, the compliance dates are as follows:

 - i. Any stationary RICE for which construction or reconstruction is commenced after the date when an area source becomes a major source of HAP, the IC RICE must be in compliance with 40 CFR Part 63, Subpart ZZZZ upon startup of the affected source.
 - ii. Any stationary RICE for which construction or reconstruction is commenced before the area source becomes a major source of HAP must be in compliance with 40 CFR Part 63, Subpart ZZZZ within 3 years after the area source becomes a major source of HAP.
 - iii. Owning or operating an affected source requires that the applicable notification requirements in 40 CFR §63.6645 and in 40 CFR Part 63, Subpart A are met.

6. 15A NCAC 2D .0530 “Prevention of Significant Deterioration (PSD)”

To comply with the best available control technology (BACT) determination pursuant to 15A NCAC 2D .0530, “Prevention of Significant Deterioration”, criteria pollutant emissions shall be controlled from the eight genset units (ID Nos. ES-Gen-1, Gen-2, Gen-3, Gen-4, Gen-5, Gen-6, Gen-7, and Gen-8, 2233 HP each) such that emissions shall not exceed:

a. Best Available Control Technology (BACT)

- i. BACT for carbon monoxide (CO) from each genset unit shall be good combustion practices and 13.54 lbs CO/hour (2.75 g/Hp-hour).
- ii. BACT for nitrogen oxides (NOx) from each genset unit shall be good combustion practices and 2.46 lbs NOx/hour (0.50 g/Hp-hour).
- iii. BACT for PM10 from each genset unit shall be good combustion practices and 0.74 lbs PM10/hour (0.15 g/hp-hour).
- iv. BACT for PM2.5 from each genset unit shall be good combustion practices and 0.74 lbs PM2.5/hour (0.15 g/hp-hour).

Testing

- b. If emissions testing is required, the Permittee shall perform such testing in accordance with 15A NCAC 2D .2600 and follow the procedures outlined below:
 - i. The Permittee shall submit a completed Protocol Submittal Form to the DAQ Regional Supervisor at least 45 days prior to the scheduled test date. A copy of the Protocol Submittal Form may be obtained from the Regional Supervisor.
 - ii. The Permittee shall notify the Regional Supervisor of the specific test dates at least 15 days prior to testing in order to afford the DAQ the opportunity to have an observer on-site during the sampling program.

- iii. During all sampling periods, the Permittee shall operate the emission source(s) under maximum normal operating conditions or alternative operating conditions as deemed appropriate by the Regional Supervisor or his delegate.
 - iv. The Permittee shall submit two copies of the test report to the DAQ. The test report shall contain at a minimum the following information:
 - (A) a description of the training and air testing experience of the person directing the test;
 - (B) a certification of the test results by sampling team leader and facility representative;
 - (C) a summary of emissions results and text detailing the objectives of the testing program, the applicable state and federal regulations, and conclusions about the testing and compliance status of the emission source(s);
 - (D) a detailed description of the tested emission source(s) and sampling location(s) process flow diagrams, engineering drawings, and sampling location schematics should be included as necessary;
 - (E) all field, analytical, and calibration data necessary to verify that the testing was performed as specified in the applicable test methods;
 - (F) example calculations for at least one test run using equations in the applicable test methods and all test results including intermediate parameter calculations; and
 - (G) documentation of facility operating conditions during all testing periods and an explanation relating these operating conditions to maximum normal operation. If necessary, provide historical process data to verify maximum normal operation.
 - v. The testing requirement(s) shall be considered satisfied only upon written approval of the test results by the DAQ.
 - vi. The DAQ will review emission test results with respect exclusively to the specified testing objectives as proposed by the Permittee and approved by the DAQ.
- c. **PSD Performance Testing** - As required by 15A NCAC 2D .0530, the following performance tests shall be conducted. Compliance with this emission limit will be determined by an initial performance test within 60 to 180 days after normal operation testing for the "lbs per hour" of each pollutant as a surrogate for the g/hp-hour limit for each pollutant.

Affected Sources	Pollutant	Test Method
ES-Gen-01	Carbon Monoxide (CO) = 13.54 lbs/hour each genset	As determined by DAQ approved testing protocol
ES-Gen-02	Nitrogen Oxide (NOx) = 2.46 lbs/hour each genset	
ES-Gen-03	PM ₁₀ = 0.74 lbs/hour each genset	
ES-Gen-04	PM _{2.5} = 0.74 lbs/hour each genset	
ES-Gen-05		
ES-Gen-06		
ES-Gen-07		
ES-Gen-08		

- i. The performance test shall be conducted using the test method specified in the table above in accordance with EPA Reference Methods, contained in 40 CFR Part 60, Appendix A. Use of an alternate test method must be approved in advance by the Division of Air Quality, and must be based on a test protocol that documents the alternate method is at least as accurate as the specified method. The EPA Administrator retains the exclusive right to approve equivalent and alternative test methods, continuous monitoring procedures, and reporting requirements.
- ii. Within 60 days after achieving the maximum production rate at which the genset units will be operated, but not later than 180 days after the initial start-up of the units, the Permittee shall conduct the required performance testing on the landfill gas-fired genset units and shall begin the required monitoring.
- iii. The number of runs and time required for each run for the performance test shall be in accordance with the approved testing protocol. The ambient temperature for each test run shall be above zero degree F. If the Permittee adjusts engine settings according to and consistent with the manufacturer's instructions, the testing of one of the identical engines is sufficient. The performance test load conditions shall be as close to peak load as practically possible.

- iv. All associated testing costs are the responsibility of the Permittee. At least 45 days prior to performing any required emissions testing, the Permittee must submit two copies of a testing protocol to the DAQ Regional Supervisor, for review and approval. All testing protocols must be approved by the DAQ prior to performing tests.
 - v. To afford the DAQ Regional Supervisor the opportunity to have an observer present, the Permittee shall provide the Regional Office, in Writing, at least 15 days notice of any required performance test(s).
 - vi. The Permittee shall submit two copies of a written report of the results of each performance test, postmarked no later than 60 days following the completion of the test, to the Regional Supervisor, DAQ.
 - vii. The Division of Air Quality retains the right to require additional performance testing for the genset units if the results of the stack tests show a small margin of compliance with a PM₁₀/PM_{2.5}, CO, or NO_x emission limit.
- d. **PSD Monitoring:**
If the Permittee adjusts engine settings according to and consistent with the manufacturer's instructions, the stationary spark ignition internal combustion engine will not be considered out of compliance. If the Permittee operates and maintains the certified landfill gas-fired stationary spark ignition internal combustion engine according to the manufacturer's emission-related written instructions, they shall keep records of conducted maintenance to demonstrate compliance.
- e. **Recordkeeping/Reporting** [15A NCAC 2Q .0508(f)]
Owners and operators of all stationary spark ignition internal combustion engines shall keep records of:
- i. All notifications submitted to comply with this regulation and all documentation supporting any notifications.
 - ii. Maintenance conducted on the engine.
 - iii. Documentation from the manufacturer that the engine is certified to meet the emission standards and information as required in 40 CFR Parts 90, 1048, 1054, and 1060, as applicable.

2.2 - MULTIPLE EMISSION SOURCES SPECIFIC LIMITATIONS AND CONDITIONS

A. Source Descriptions:

- ES-1 (Municipal solid waste landfill) with associated control devices, CD-1, CD-2)
- ES-CD3 (One low gas flow utility flare, 21 million Btu per hour heat input, 700 acfm)
- ES-Gen-1 (Landfill gas-fired genset unit, lean burn, 1600 kW, 2233 Hp output)
- ES-Gen-2 (Landfill gas-fired genset unit, lean burn, 1600 kW, 2233 Hp output)
- ES-Gen-3 (Landfill gas-fired genset unit, lean burn, 1600 kW, 2233 Hp output)
- ES-Gen-4 (Landfill gas-fired genset unit, lean burn, 1600 kW, 2233 Hp output)
- ES-Gen-5 (Landfill gas-fired genset unit, lean burn, 1600 kW, 2233 Hp output)
- ES-Gen-6 (Landfill gas-fired genset unit, lean burn, 1600 kW, 2233 Hp output)
- ES-Gen-7 (Landfill gas-fired genset unit, lean burn, 1600 kW, 2233 Hp output)
- ES-Gen-8 (Landfill gas-fired genset unit, lean burn, 1600 kW, 2233 Hp output)

"State-Enforceable Only"

1. 15A NCAC 2Q .0705 "Existing Facilities And SIC Calls",
15A NCAC 2D .1100 "Control Of Toxic Air Pollutants"

Toxic Air Pollutant Emissions Limitation And Requirements - Pursuant to 15A NCAC 2Q .0705 and in accordance with the approved application for an air toxic compliance demonstration, the following permit limits **shall not be exceeded** in accordance with 15A NCAC 2D .1100:

Emission Sources	Toxic Air Pollutants	Emission Limits (Modeled Rates)	Emission Limits (Modeled Rates)	Emission Limits (Modeled Rates)
Municipal solid waste landfill (ES-1)	1,1,2,2-Tetrachloroethane	523,848 lbs/year	-----	-----
	Ethylene dichloride	315,360 lbs/year	-----	-----
	Acrylonitrile	12,439 lbs/yr	-----	-----
	Benzene	9,989 lbs/yr	-----	-----
	Dichlorofluoromethane	-----	22,752 lbs/day	-----
	Methylene chloride	1,997,280 lbs/yr	-----	-----
	Ethyl mercaptan	-----	-----	75.9 lbs/hour
	Hexane	-----	50,088 lbs/day	-----
	Methyl mercaptan	-----	-----	37.9 lbs/hour
	Vinyl chloride	31,536 lbs/yr	-----	-----
	Hydrogen sulfide	-----	5,472 lbs/day	-----
	Toluene	-----	213,960 lbs/day	-----
	Trichloroethylene	4,905,600 lbs/yr	-----	-----
	Xylene	-----	122,928 lbs/day	5,122 lbs/hour
Municipal solid waste landfill (ES-1), flares (CD-1, CD-2) ES-Gen-1 through ES-Gen-8, and ES-CD3	Hydrogen chloride	-----	-----	238 lbs/hour

“State-Enforceable Only”

2. 15A NCAC 2Q .0711 “Emission Rates Requiring A Permit”

TOXIC AIR POLLUTANT EMISSIONS LIMITATION REQUIREMENT – Pursuant to 15A NCAC 2Q .0705, the equipment located at Sampson County Disposal, LLC and Black Creek Renewable Energy, LLC shall be operated and maintained in such a manner that emissions of any listed toxic air pollutants from the facility, including fugitive emissions, will not exceed the “Emission Rates Requiring A Permit” specified in 15A NCAC 2Q .0711. In accordance with the approved application, the Permittee shall maintain records of operational information demonstrating that the toxic air pollutant emissions do not exceed the emission rates as listed below. In the event one (1) or more of these thresholds are exceeded, compliance with 15A NCAC 2D. 1100 shall be demonstrated.

Pollutant (CAS Number)	Threshold (lbs/yr)	Threshold (lbs/day)	Threshold (lbs/hr)
1,1,1-Trichloroethane (Methyl chloroform)	-----	250	64
1,1-Dichloroethene (Vinylidene chloride)	-----	2.5	-----
Carbon disulfide	-----	3.9	-----
Carbon tetrachloride	460	-----	-----
Chlorobenzene	-----	46	-----
Chloroform	290	-----	-----
p-Dichlorobenzene	-----	-----	16.8
Dichlorodifluoromethane	-----	5200	-----
Ethylene dibromide	27	-----	-----
Mercury	-----	0.013	-----
Methyl ethyl ketone	-----	78	22.4
Methyl isobutyl ketone	-----	52	7.6
Perchloroethylene (Tetrachloroethene)	13000	-----	-----
Trichlorofluoromethane	-----	-----	140

SECTION 3 - GENERAL CONDITIONS (version 3.4)

This section describes terms and conditions applicable to this Title V facility.

A. **General Provisions** [NCGS 143-215 and 15A NCAC 2Q .0508(i)(16)]

1. Terms not otherwise defined in this permit shall have the meaning assigned to such terms as defined in 15A NCAC 2D and 2Q.
2. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are binding and enforceable pursuant to NCGS 143-215.114A and 143-215.114B, including assessment of civil and/or criminal penalties. Any unauthorized deviation from the conditions of this permit may constitute grounds for revocation and/or enforcement action by the DAQ.
3. This permit is not a waiver of or approval of any other Department permits that may be required for other aspects of the facility which are not addressed in this permit.
4. This permit does not relieve the Permittee from liability for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted facility, or from penalties therefore, nor does it allow the Permittee to cause pollution in contravention of state laws or rules, unless specifically authorized by an order from the North Carolina Environmental Management Commission.
5. Except as identified as state-only requirements in this permit, all terms and conditions contained herein shall be enforceable by the DAQ, the EPA, and citizens of the United States as defined in the Federal Clean Air Act.
6. Any stationary source of air pollution shall not be operated, maintained, or modified without the appropriate and valid permits issued by the DAQ, unless the source is exempted by rule. The DAQ may issue a permit only after it receives reasonable assurance that the installation will not cause air pollution in violation of any of the applicable requirements. A permitted installation may only be operated, maintained, constructed, expanded, or modified in a manner that is consistent with the terms of this permit.

B. **Permit Availability** [15A NCAC 2Q .0507(k) and .0508(i)(9)(B)]

The Permittee shall have available at the facility a copy of this permit and shall retain for the duration of the permit term one complete copy of the application and any information submitted in support of the application package. The permit and application shall be made available to an authorized representative of Department of Environment and Natural Resources upon request.

C. **Severability Clause** [15A NCAC 2Q .0508(i)(2)]

In the event of an administrative challenge to a final and binding permit in which a condition is held to be invalid, the provisions in this permit are severable so that all requirements contained in the permit, except those held to be invalid, shall remain valid and must be complied with.

D. **Submissions** [15A NCAC 2Q .0507(e) and 2Q .0508(i)(16)]

Except as otherwise specified herein, two copies of all documents, reports, test data, monitoring data, notifications, request for renewal, and any other information required by this permit shall be submitted to the appropriate Regional Office. Refer to the Regional Office address on the cover page of this permit. For continuous emissions monitoring systems (CEMS) reports, continuous opacity monitoring systems (COMS) reports, quality assurance (QA)/quality control (QC) reports, acid rain CEM certification reports, and NOx budget CEM certification reports, one copy shall be sent to the appropriate Regional Office and one copy shall be sent to:

Supervisor, Stationary Source Compliance
North Carolina Division of Air Quality
1641 Mail Service Center
Raleigh, NC 27699-1641

All submittals shall include the facility name and Facility ID number (refer to the cover page of this permit).

E. **Duty to Comply** [15A NCAC 2Q .0508(i)(2)]

The Permittee shall comply with all terms, conditions, requirements, limitations and restrictions set forth in this permit. Noncompliance with any permit condition except conditions identified as state-only requirements constitutes a violation of the Federal Clean Air Act. Noncompliance with any permit condition is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.

F. **Circumvention** - STATE ENFORCEABLE ONLY

The facility shall be properly operated and maintained at all times in a manner that will effect an overall reduction in air pollution. Unless otherwise specified by this permit, no emission source may be operated without the concurrent operation of its associated air pollution control device(s) and appurtenances.

G. **Permit Modifications**

1. Administrative Permit Amendments [15A NCAC 2Q .0514]

The Permittee shall submit an application for an administrative permit amendment in accordance with 15A NCAC 2Q .0514.

2. Transfer in Ownership or Operation and Application Submittal Content [15A NCAC 2Q .0524 and 2Q .0505]

The Permittee shall submit an application for an ownership change in accordance with 15A NCAC 2Q.0524 and 2Q .0505.

3. Minor Permit Modifications [15A NCAC 2Q .0515]

The Permittee shall submit an application for a minor permit modification in accordance with 15A NCAC 2Q .0515.

4. Significant Permit Modifications [15A NCAC 2Q .0516]

The Permittee shall submit an application for a significant permit modification in accordance with 15A NCAC 2Q .0516.

5. Reopening for Cause [15A NCAC 2Q .0517]

The Permittee shall submit an application for reopening for cause in accordance with 15A NCAC 2Q .0517.

H. **Changes Not Requiring Permit Modifications**

1. Reporting Requirements

Any of the following that would result in new or increased emissions from the emission source(s) listed in Section I must be reported to the Regional Supervisor, DAQ:

- a. changes in the information submitted in the application;
- b. changes that modify equipment or processes; or
- c. changes in the quantity or quality of materials processed.

If appropriate, modifications to the permit may then be made by the DAQ to reflect any necessary changes in the permit conditions. In no case are any new or increased emissions allowed that will cause a violation of the emission limitations specified herein.

2. Section 502(b)(10) Changes [15A NCAC 2Q .0523(a)]

- a. "Section 502(b)(10) changes" means changes that contravene an express permit term or condition. Such changes do not include changes that would violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.
- b. The Permittee may make Section 502(b)(10) changes without having the permit revised if:
 - i. the changes are not a modification under Title I of the Federal Clean Air Act;
 - ii. the changes do not cause the allowable emissions under the permit to be exceeded;
 - iii. the Permittee notifies the Director and EPA with written notification at least seven days before the change is made; and
 - iv. the Permittee shall attach the notice to the relevant permit.

- c. The written notification shall include:
 - i. a description of the change;
 - ii. the date on which the change will occur;
 - iii. any change in emissions; and
 - iv. any permit term or condition that is no longer applicable as a result of the change.
- d. Section 502(b)(10) changes shall be made in the permit the next time that the permit is revised or renewed, whichever comes first.
3. Off Permit Changes [15A NCAC 2Q .0523(b)]
The Permittee may make changes in the operation or emissions without revising the permit if:
 - a. the change affects only insignificant activities and the activities remain insignificant after the change; or
 - b. the change is not covered under any applicable requirement.
4. Emissions Trading [15A NCAC 2Q .0523(c)]
To the extent that emissions trading is allowed under 15A NCAC 2D, including subsequently adopted maximum achievable control technology standards, emissions trading shall be allowed without permit revision pursuant to 15A NCAC 2Q .0523(c).

I.A. Reporting Requirements for Excess Emissions and Permit Deviations

[15A NCAC 2D .0535(f) and 2Q .0508(f)(2)]

"Excess Emissions" - means an emission rate that exceeds any applicable emission limitation or standard allowed by any rule in Sections .0500, .0900, .1200, or .1400 of Subchapter 2D; or by a permit condition; or that exceeds an emission limit established in a permit issued under 15A NCAC 2Q .0700. (*Note: Definitions of excess emissions under 2D .1110 and 2D .1111 shall apply where defined by rule.*)

"Deviations" - for the purposes of this condition, any action or condition not in accordance with the terms and conditions of this permit including those attributable to upset conditions as well as excess emissions as defined above lasting less than four hours.

Excess Emissions

1. If a source is required to report excess emissions under NSPS (15A NCAC 2D .0524), NESHAPS (15A NCAC 2D .1110 or .1111), or the operating permit provides for periodic (e.g., quarterly) reporting of excess emissions, reporting shall be performed as prescribed therein.
2. If the source is not subject to NSPS (15A NCAC 2D .0524), NESHAPS (15A NCAC 2D .1110 or .1111), or these rules do NOT define "excess emissions," the Permittee shall report excess emissions in accordance with 15A NCAC 2D .0535 as follows:
 - a. Pursuant to 15A NCAC 2D .0535, if excess emissions last for more than four hours resulting from a malfunction, a breakdown of process or control equipment, or any other abnormal condition, the owner or operator shall:
 - i. notify the Regional Supervisor or Director of any such occurrence by 9:00 a.m. Eastern Time of the Division's next business day of becoming aware of the occurrence and provide:
 - name and location of the facility;
 - nature and cause of the malfunction or breakdown;
 - time when the malfunction or breakdown is first observed;
 - expected duration; and
 - estimated rate of emissions;
 - ii. notify the Regional Supervisor or Director immediately when corrective measures have been accomplished; and
 - iii. submit to the Regional Supervisor or Director within 15 days a written report as described in 15A NCAC 2D .0535(f)(3).

Permit Deviations

3. Pursuant to 15A NCAC 2Q .0508(f)(2), the Permittee shall report deviations from permit requirements (terms and conditions) as follows:
 - a. Notify the Regional Supervisor or Director of all other deviations from permit requirements not covered under 15A NCAC 2D .0535 quarterly. A written report to the Regional Supervisor shall include the probable cause of such deviation and any corrective actions or preventative actions taken. The responsible official shall certify all deviations from permit requirements.

I.B. Other Requirements under 15A NCAC 2D .0535

The Permittee shall comply with all other applicable requirements contained in 15A NCAC 2D .0535, including 15A NCAC 2D .0535(c) as follows:

1. Any excess emissions that do not occur during start-up and shut-down shall be considered a violation of the appropriate rule unless the owner or operator of the sources demonstrates to the Director, that the excess emissions are a result of a malfunction. The Director shall consider, along with any other pertinent information, the criteria contained in 15A NCAC 2D .0535(c)(1) through (7).
2. 15A NCAC 2D .0535(g). Excess emissions during start-up and shut-down shall be considered a violation of the appropriate rule if the owner or operator cannot demonstrate that excess emissions are unavoidable.

J. Emergency Provisions [40 CFR 70.6(g)]

The Permittee shall be subject to the following provisions with respect to emergencies:

1. An emergency means any situation arising from sudden and reasonably unforeseeable events beyond the control of the facility, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the facility to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.
2. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions specified in 3. below are met.
3. The affirmative defense of emergency shall be demonstrated through properly signed contemporaneous operating logs or other relevant evidence that include information as follows:
 - a. an emergency occurred and the Permittee can identify the cause(s) of the emergency;
 - b. the permitted facility was at the time being properly operated;
 - c. during the period of the emergency the Permittee took all reasonable steps to minimize levels of emissions that exceeded the standards or other requirements in the permit; and
 - d. the Permittee submitted notice of the emergency to the DAQ within two working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
4. In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.
5. This provision is in addition to any emergency or upset provision contained in any applicable requirement specified elsewhere herein.

K. Permit Renewal [15A NCAC 2Q .0508(e) and 2Q .0513(b)]

This permit is issued for a fixed term of five years for facilities subject to Title IV requirements and for a term not to exceed five years in the case of all other facilities. This permit shall expire at the end of its term. Permit expiration terminates the facility's right to operate unless a complete renewal application is submitted at least nine months before the date of permit expiration. If the Permittee or applicant has complied with 15A NCAC 2Q .0512(b)(1), this permit shall not expire until the renewal permit has been issued or denied. All terms and conditions of this permit shall remain in effect until the renewal permit has been issued or denied.

L. Need to Halt or Reduce Activity Not a Defense [15A NCAC 2Q .0508(i)(4)]

It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

M. Duty to Provide Information (submittal of information) [15A NCAC 2Q .0508(i)(9)]

1. The Permittee shall furnish to the DAQ, in a timely manner, any reasonable information that the Director may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit.
2. The Permittee shall furnish the DAQ copies of records required to be kept by the permit when such copies are requested by the Director. For information claimed to be confidential, the Permittee may furnish such records directly to the EPA upon request along with a claim of confidentiality.

N. **Duty to Supplement** [15A NCAC 2Q .0507(f)]

The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the DAQ. The Permittee shall also provide additional information as necessary to address any requirement that becomes applicable to the facility after the date a complete permit application was submitted but prior to the release of the draft permit.

O. **Retention of Records** [15A NCAC 2Q .0508(f) and 2Q .0508 (l)]

The Permittee shall retain records of all required monitoring data and supporting information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring information, and copies of all reports required by the permit. These records shall be maintained in a form suitable and readily available for expeditious inspection and review. Any records required by the conditions of this permit shall be kept on site and made available to DAQ personnel for inspection upon request.

P. **Compliance Certification** [15A NCAC 2Q .0508(n)]

The Permittee shall submit to the DAQ and the EPA (Air and EPCRA Enforcement Branch, EPA, Region 4, 61 Forsyth Street, Atlanta, GA 30303) postmarked on or before March 1 a compliance certification (for the preceding calendar year) by a responsible official with all federally-enforceable terms and conditions in the permit, including emissions limitations, standards, or work practices. It shall be the responsibility of the current owner to submit a compliance certification for the entire year regardless of who owned the facility during the year. The compliance certification shall comply with additional requirements as may be specified under Sections 114(a)(3) or 504(b) of the Federal Clean Air Act. The compliance certification shall specify:

1. the identification of each term or condition of the permit that is the basis of the certification;
2. the compliance status (with the terms and conditions of the permit for the period covered by the certification);
3. whether compliance was continuous or intermittent; and
4. the method(s) used for determining the compliance status of the source during the certification period.

Q. **Certification by Responsible Official** [15A NCAC 2Q .0520]

A responsible official shall certify the truth, accuracy, and completeness of any application form, report, or compliance certification required by this permit. All certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

R. **Permit Shield for Applicable Requirements** [15A NCAC 2Q .0512]

1. Compliance with the terms and conditions of this permit shall be deemed compliance with applicable requirements, where such applicable requirements are included and specifically identified in the permit as of the date of permit issuance.
2. A permit shield shall not alter or affect:
 - a. the power of the Commission, Secretary of the Department, or Governor under NCGS 143-215.3(a)(12), or EPA under Section 303 of the Federal Clean Air Act;
 - b. the liability of an owner or operator of a facility for any violation of applicable requirements prior to the effective date of the permit or at the time of permit issuance;
 - c. the applicable requirements under Title IV; or
 - d. the ability of the Director or the EPA under Section 114 of the Federal Clean Air Act to obtain information to determine compliance of the facility with its permit.
3. A permit shield does not apply to any change made at a facility that does not require a permit or permit revision made under 15A NCAC 2Q .0523.
4. A permit shield does not extend to minor permit modifications made under 15A NCAC 2Q .0515.

S. **Termination, Modification, and Revocation of the Permit** [15A NCAC 2Q .0519]

The Director may terminate, modify, or revoke and reissue this permit if:

1. the information contained in the application or presented in support thereof is determined to be incorrect;
2. the conditions under which the permit or permit renewal was granted have changed;
3. violations of conditions contained in the permit have occurred;
4. the EPA requests that the permit be revoked under 40 CFR 70.7(g) or 70.8(d); or
5. the Director finds that termination, modification, or revocation and reissuance of the permit is necessary to carry out the purpose of NCGS Chapter 143, Article 21B.

T. **Insignificant Activities** [15A NCAC 2Q .0503]

Because an emission source or activity is insignificant does not mean that the emission source or activity is exempted from any applicable requirement or that the owner or operator of the source is exempted from demonstrating compliance with any applicable requirement. The Permittee shall have available at the facility at all times and made available to an authorized representative upon request, documentation, including calculations, if necessary, to demonstrate that an emission source or activity is insignificant.

U. **Property Rights** [15A NCAC 2Q .0508(i)(8)]

This permit does not convey any property rights in either real or personal property or any exclusive privileges.

V. **Inspection and Entry** [15A NCAC 2Q .0508(l) and NCGS 143-215.3(a)(2)]

1. Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow the DAQ, or an authorized representative, to perform the following:
 - a. enter the Permittee's premises where the permitted facility is located or emissions-related activity is conducted, or where records are kept under the conditions of the permit;
 - b. have access to and copy, at reasonable times, any records that are required to be kept under the conditions of the permit;
 - c. inspect at reasonable times and using reasonable safety practices any source, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
 - d. sample or monitor substances or parameters, using reasonable safety practices, for the purpose of assuring compliance with the permit or applicable requirements at reasonable times.

Nothing in this condition shall limit the ability of the EPA to inspect or enter the premises of the Permittee under Section 114 or other provisions of the Federal Clean Air Act.

2. No person shall refuse entry or access to any authorized representative of the DAQ who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such authorized representative while in the process of carrying out his official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

W. **Annual Fee Payment** [15A NCAC 2Q .0508(i)(10)]

1. The Permittee shall pay all fees in accordance with 15A NCAC 2Q .0200.
2. Payment of fees may be by check or money order made payable to the N.C. Department of Environment and Natural Resources. Annual permit fee payments shall refer to the permit number.
3. If, within 30 days after being billed, the Permittee fails to pay an annual fee, the Director may initiate action to terminate the permit under 15A NCAC 2Q .0519.

X. **Annual Emission Inventory Requirements** [15A NCAC 2Q .0207]

The Permittee shall report by **June 30 of each year** the actual emissions of each air pollutant listed in 15A NCAC 2Q .0207(a) from each emission source within the facility during the previous calendar year. The report shall be in or on such form as may be established by the Director. The accuracy of the report shall be certified by a responsible official of the facility.

Y. **Confidential Information** [15A NCAC 2Q .0107 and 2Q .0508(i)(9)]

Whenever the Permittee submits information under a claim of confidentiality pursuant to 15A NCAC 2Q .0107, the Permittee may also submit a copy of all such information and claim directly to the EPA upon request. All requests for confidentiality must be in accordance with 15A NCAC 2Q .0107.

Z. **Construction and Operation Permits** [15A NCAC 2Q .0100 and .0300]

A construction and operating permit shall be obtained by the Permittee for any proposed new or modified facility or emission source which is not exempted from having a permit prior to the beginning of construction or modification, in accordance with all applicable provisions of 15A NCAC 2Q .0100 and .0300.

AA. **Standard Application Form and Required Information** [15A NCAC 2Q .0505 and .0507]

The Permittee shall submit applications and required information in accordance with the provisions of 15A NCAC 2Q .0505 and .0507.

BB. **Financial Responsibility and Compliance History** [15A NCAC 2Q .0507(d)(4)]

The DAQ may require an applicant to submit a statement of financial qualifications and/or a statement of substantial compliance history.

CC. **Refrigerant Requirements (Stratospheric Ozone and Climate Protection)** [15A NCAC 2Q .0501(e)]

1. If the Permittee has appliances or refrigeration equipment, including air conditioning equipment, which use Class I or II ozone-depleting substances such as chlorofluorocarbons and hydrochlorofluorocarbons listed as refrigerants in 40 CFR Part 82 Subpart A Appendices A and B, the Permittee shall service, repair, and maintain such equipment according to the work practices, personnel certification requirements, and certified recycling and recovery equipment specified in 40 CFR Part 82 Subpart F.
2. The Permittee shall not knowingly vent or otherwise release any Class I or II substance into the environment during the repair, servicing, maintenance, or disposal of any such device except as provided in 40 CFR Part 82 Subpart F.
3. The Permittee shall comply with all reporting and recordkeeping requirements of 40 CFR 82.166. Reports shall be submitted to the EPA or its designee as required.

DD. **Prevention of Accidental Releases - Section 112(r)** [15A NCAC 2Q .0508(h)]

If the Permittee is required to develop and register a Risk Management Plan with EPA pursuant to Section 112(r) of the Clean Air Act, then the Permittee is required to register this plan in accordance with 40 CFR Part 68.

EE. **Prevention of Accidental Releases General Duty Clause - Section 112(r)(1) -**

FEDERALLY-ENFORCEABLE ONLY

Although a risk management plan may not be required, if the Permittee produces, processes, handles, or stores any amount of a listed hazardous substance, the Permittee has a general duty to take such steps as are necessary to prevent the accidental release of such substance and to minimize the consequences of any release.

FF. **Title IV Allowances** [15A NCAC 2Q .0508(i)(1)]

This permit does not limit the number of Title IV allowances held by the Permittee, but the Permittee may not use allowances as a defense to noncompliance with any other applicable requirement. The Permittee's emissions may not exceed any allowances that the facility lawfully holds under Title IV of the Federal Clean Air Act.

GG. **Air Pollution Emergency Episode** [15A NCAC 2D .0300]

Should the Director of the DAQ declare an Air Pollution Emergency Episode, the Permittee will be required to operate in accordance with the Permittee's previously approved Emission Reduction Plan or, in the absence of an approved plan, with the appropriate requirements specified in 15A NCAC 2D .0300.

HH. **Registration of Air Pollution Sources** [15A NCAC 2D .0200]

The Director of the DAQ may require the Permittee to register a source of air pollution. If the Permittee is required to register a source of air pollution, this registration and required information will be in accordance with 15A NCAC 2D .0202(b).

II. **Ambient Air Quality Standards** [15A NCAC 2D .0501(c)]

In addition to any control or manner of operation necessary to meet emission standards specified in this permit, any source of air pollution shall be operated with such control or in such manner that the source shall not cause the ambient air quality standards in 15A NCAC 2D .0400 to be exceeded at any point beyond the premises on which the source is located. When controls more stringent than named in the applicable emission standards in this permit are required to prevent violation of the ambient air quality standards or are required to create an offset, the permit shall contain a condition requiring these controls.

JJ. General Emissions Testing and Reporting Requirements [15A NCAC 2Q .0508(i)(16)]

Emission compliance testing shall be by the procedures of Section .2600, except as may be otherwise required in Rules .0524, .0912, .1110, .1111, or .1415 of Subchapter 2D.

If emissions testing is required by this permit or the DAQ or if the Permittee submits emissions testing to the DAQ to demonstrate compliance, the Permittee shall perform such testing in accordance with 15A NCAC 2D .2600 and follow the procedures outlined below:

1. The owner or operator of the source shall arrange for air emission testing protocols to be provided to the Director prior to air pollution testing. Testing protocols are not required to be pre-approved by the Director prior to air pollution testing. The Director shall review air emission testing protocols for pre-approval prior to testing if requested by the owner or operator at least 45 days before conducting the test.
2. Any person proposing to conduct an emissions test to demonstrate compliance with an applicable standard shall notify the Director at least 15 days before beginning the test so that the Director may at his option observe the test.
3. The owner or operator of the source shall arrange for controlling and measuring the production rates during the period of air testing. The owner or operator of the source shall ensure that the equipment or process being tested is operated at the production rate that best fulfills the purpose of the test. The individual conducting the emission test shall describe the procedures used to obtain accurate process data and include in the test report the average production rates determined during each testing period.
4. Two copies of the final air emission test report shall be submitted to the Director not later than 30 days after sample collection. The owner or operator may request an extension to submit the final test report. The Director shall approve an extension request if he finds that the extension request is a result of actions beyond the control of the owner or operator.
 - a. The Director shall make the final determination regarding any testing procedure deviation and the validity of the compliance test. The Director may:
 - (1) Allow deviations from a method specified under a rule in this Section if the owner or operator of the source being tested demonstrates to the satisfaction of the Director that the specified method is inappropriate for the source being tested.
 - (2) Prescribe alternate test procedures on an individual basis when he finds that the alternative method is necessary to secure more reliable test data.
 - (3) Prescribe or approve methods on an individual basis for sources or pollutants for which no test method is specified in this Section if the methods can be demonstrated to determine compliance of permitted emission sources or pollutants.
 - b. The Director may authorize the Division of Air Quality to conduct independent tests of any source subject to a rule in this Subchapter to determine the compliance status of that source or to verify any test data submitted relating to that source. Any test conducted by the Division of Air Quality using the appropriate testing procedures described in Section 2D .2600 has precedence over all other tests.

KK. Reopening for Cause [15A NCAC 2Q .0517]

1. A permit shall be reopened and revised under the following circumstances:
 - a. additional applicable requirements become applicable to a facility with remaining permit term of three or more years;
 - b. additional requirements (including excess emission requirements) become applicable to a source covered by Title IV;
 - c. the Director or EPA finds that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or
 - d. the Director or EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
2. Any permit reopening shall be completed or a revised permit issued within 18 months after the applicable requirement is promulgated. No reopening is required if the effective date of the requirement is after the expiration of the permit term unless the term of the permit was extended pursuant to 15A NCAC 2Q .0513(c).
3. Except for the state-enforceable only portion of the permit, the procedures set out in 15A NCAC 2Q .0507, .0521, or .0522 shall be followed to reissue the permit. If the State-enforceable only portion of the permit is reopened, the procedures in 15A NCAC 2Q .0300 shall be followed. The proceedings shall affect only those parts of the permit for which cause to reopen exists.

4. The Director shall notify the Permittee at least 60 days in advance of the date that the permit is to be reopened, except in cases of imminent threat to public health or safety the notification period may be less than 60 days.
5. Within 90 days, or 180 days if the EPA extends the response period, after receiving notification from the EPA that a permit needs to be terminated, modified, or revoked and reissued, the Director shall send to the EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate.

LL. Reporting Requirements for Non-Operating Equipment [15A NCAC 2Q .0508(i)(16)]

The Permittee shall maintain a record of operation for permitted equipment noting whenever the equipment is taken from and placed into operation. During operation the monitoring recordkeeping and reporting requirements as prescribed by the permit shall be implemented within the monitoring period.

MM. Fugitive Dust Control Requirement [15A NCAC 2D .0540] - STATE ENFORCEABLE ONLY

As required by 15A NCAC 2D .0540 "Particulates from Fugitive Dust Emission Sources," the Permittee shall not cause or allow fugitive dust emissions to cause or contribute to substantive complaints or excess visible emissions beyond the property boundary. If substantive complaints or excessive fugitive dust emissions from the facility are observed beyond the property boundaries for six minutes in any one hour (using Reference Method 22 in 40 CFR, Appendix A), the owner or operator may be required to submit a fugitive dust plan as described in 2D .0540(f).

"Fugitive dust emissions" means particulate matter from process operations that does not pass through a process stack or vent and that is generated within plant property boundaries from activities such as: unloading and loading areas, process areas stockpiles, stock pile working, plant parking lots, and plant roads (including access roads and haul roads).

NN. Specific Permit Modifications [15A NCAC 2Q.0501 and .0523]

1. For modifications made pursuant to 15A NCAC 2Q .0501(c)(2), the Permittee shall file a Title V Air Quality Permit Application for the air emission source(s) and associated air pollution control device(s) on or before 12 months after commencing operation.
2. For modifications made pursuant to 15A NCAC 2Q .0501(d)(2), the Permittee shall not begin operation of the air emission source(s) and associated air pollution control device(s) until a Title V Air Quality Permit Application is filed and a construction and operation permit following the procedures of Section .0500 (except for Rule .0504 of this Section) is obtained.
3. For modifications made pursuant to 502(b)(10), in accordance with 15A NCAC 2Q .0523(a)(1)(C), the Permittee shall notify the Director and EPA (EPA - Air Planning Branch, 61 Forsyth St., Atlanta, GA 30303) in writing at least seven days before the change is made. The written notification shall include:
 - a. a description of the change at the facility;
 - b. the date on which the change will occur;
 - c. any change in emissions; and
 - d. any permit term or condition that is no longer applicable as a result of the change.

In addition to this notification requirement, with the next significant modification or Air Quality Permit renewal, the Permittee shall submit a page "E5" of the application forms signed by the responsible official verifying that the application for the 502(b)(10) change/modification, is true, accurate, and complete. Further note that modifications made pursuant to 502(b)(10) do not relieve the Permittee from satisfying preconstruction requirements.

OO. Third Party Participation and EPA Review [15A NCAC 2Q .0521, .0522 and .0525(7)]

For permits modifications subject to 45-day review by the federal Environment Protection Agency (EPA), EPA's decision to not object to the proposed permit is considered final and binding on the EPA and absent a third party petition, the failure to object is the end of EPA's decision-making process with respect to the revisions to the permit. The time period available to submit a public petition pursuant to 15A NCAC 2Q .0518 begins at the end of the 45-day EPA review period.

ATTACHMENT

List of Acronyms

AOS	Alternate Operating Scenario
BACT	Best Available Control Technology
Btu	British thermal unit
CAA	Clean Air Act
CAIR	Clean Air Interstate Rule
CEM	Continuous Emission Monitor
CFR	Code of Federal Regulations
DAQ	Division of Air Quality
DENR	Department of Environment and Natural Resources
EMC	Environmental Management Commission
EPA	Environmental Protection Agency
FR	Federal Register
GACT	Generally Available Control Technology
HAP	Hazardous Air Pollutant
MACT	Maximum Achievable Control Technology
NAA	Non-Attainment Area
NCAC	North Carolina Administrative Code
NCGS	North Carolina General Statutes
NESHAPS	National Emission Standards for Hazardous Air Pollutants
NO_x	Nitrogen Oxides
NSPS	New Source Performance Standard
OAH	Office of Administrative Hearings
PM	Particulate Matter
PM₁₀	Particulate Matter with Nominal Aerodynamic Diameter of 10 Micrometers or Less
POS	Primary Operating Scenario
PSD	Prevention of Significant Deterioration
RACT	Reasonably Available Control Technology
SIC	Standard Industrial Classification
SIP	State Implementation Plan
SO₂	Sulfur Dioxide
tpy	Tons Per Year
VOC	Volatile Organic Compound